

REMARKS

Applicant elects, with traverse, claims 20-23. Furthermore, as a single disclosed species of phospholipids, applicant elects (i) DOPC, which is 1,2-dioleoyl-sn-glycero-3-phosphocholine; and as a single disclosed species of polar lipid, applicant elects (iii) formula XVII. Claims 20-23 (as well as claims 24-30) read on the elected species, and all these claims are generic.

Request for Reconsideration

Restriction is only proper if the identified groups are independent or distinct, and there must be a serious burden on the examiner. The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified groups are independent or distinct. M.P.E.P. § 803.

Adding claims 24-31 to claims 20-23 would not increase the burden on the examiner, as these claims contain all the limitation of claim 20. Joining of these claims to the elected claims is respectfully requested.

The examiner has applied the incorrect standard for restriction in this application. Chapter 800 of the M.P.E.P. restriction and double patenting relates to national applications filed under 35 U.S.C. 111(a). Unity of invention under the Patent Cooperation Treaty Articles and Rules is applied in applications entering the National Stage under 35 U.S.C. 371. The present application was filed under 35 U.S.C. 111(a), and therefore Chapter 800 of the M.P.E.P. applies. M.P.E.P. § 801.

The examiner has applied the standards under Unity of Invention to the present application. The correct standards are those of Chapter 800 of the M.P.E.P. Withdrawal of the restriction requirement is therefore respectfully requested.

Respectfully submitted,



Paul E. Rauch, Ph.D.
Registration No. 38,591

Evan Law Group LLC
566 West Adams, Suite 350
Chicago, Illinois 60661
(312) 876-1400